

**IN THE UNITED STATES DISTRICT
FOR THE DISTRICT OF PUERTO RICO**

UNITED STATES OF AMERICA

Plaintiff,

v.

[1] BENIGNO HERNANDEZ CLANDER

Defendant

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) Criminal No.: 12-433 (FAB)
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MOTION TO CONTINUE SENTENCING HEARING

TO THE HONORABLE COURT:

Now comes the Defendant, BENIGNO HERNANDEZ CLANDER, hereinafter Mr. Hernandez, by and through his attorney Juan A. Albino Gonzalez, and respectfully informs and requests:

1. Mr. Hernandez's sentencing hearing is presently set for 1/16/2013 at 9:00 am (Docket Entry No. 128).
2. Mr. Hernandez's PSR was disclosed on 12/21/2012 (Docket Entry No. 144).
3. Fed. R. Crim. P. 32 (e)(2) requires that the PSR be given to the parties at least 35 days before sentencing unless the defendant waives this minimum period. In this case, the defendant does not waive the minimum period for the following reason: Mr. Hernandez's request for continuance of sentencing will afford undersigned counsel the additional time needed to meet with the defendant at MDC to discuss PSR, allow undersigned counsel to file pleadings formally objecting to the PSR, if necessary, and give the defendant ample time to provide the Court with his sentencing memorandum.

4. For the aforementioned reasons, Mr. Hernandez suggests and requests that the sentencing proceedings be continued for at least thirty (15) days resetting the sentencing hearing for a date after 1/27/2013.

WHEREFORE, it is respectfully requested that this Honorable Court take notice of the foregoing and grant the continuance of defendant's sentencing hearing for a date after 1/27/2013.

RESPECTFULLY SUBMITTED

Dated: December 24, 2012

I HEREBY CERTIFY that on this date I electronically filed the forgoing Motion with the clerk of the court using the CM/ECF electronic filing system, which will send notification of such filing to the attorneys of record.

/s/ JUAN A. ALBINO GONZALEZ
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